

The Medina County Environmental Action Association, Inc.

202 CR 450, HONDO, TX 78861

www.dontmesswithquihi.com

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March 25, 2006

Robert Potts, Director
Edwards Aquifer Authority
1615 St. Mary's Street
San Antonio, Texas 78215-1415

Received
4/3/06
FD 34284

Dear Sir:

On behalf of the Medina County Environmental Action Association, Lester Landrum and I wish to thank you and John Hoyt for meeting with us and listening to our concerns about the proposed Vulcan quarry and rail line over the Edwards Aquifer and its recharge zone in Medina County.

For the record, we would like to reiterate the following points we presented in our meeting. We respectfully request that these points be considered in your review of the water plans submitted by Vulcan Materials.

1. The location of the proposed 1760 acre quarry is entirely situated over the Edwards aquifer recharge zone, an area where the Edwards Aquifer lies only 200 to 250 feet below the land surface. The known karst aquifer can be easily contaminated by quarrying at that proximity.
2. The practice of locating unlined sediment ponds, which contain concentrated washings of mined material, above a karst aquifer poses a contamination hazard and should not be allowed. Sediment ponds, if used, should be lined so that seepage of silt and harmful contaminants into the aquifer is prevented. In addition, periodic analysis of the silt material deposited from mining should be conducted. Proper removal of silt from the quarry site should be done so that there is no interference with recharge features of the aquifer.
3. As previously stated by EAA in its April 16, 2003 correspondence, Vulcan must identify existing ground water resources such as aquifers and springs and identify the potential impact on these resources (particularly artesian springs along the Quihi Creek two miles south of the quarry as well as historic Quihi Lake). Plugging of abandoned wells in the quarry area and rail line right of way is also required. Vulcan must identify and pay for the cost of plugging these wells.
4. EAA should note that the proposed location of the ten 1,000-gallon fuel storage tanks has been moved from its previously proposed site. However, the current proposed site location is not the one recommended by EAA, further south from the border of Edwards Aquifer Recharge Zone (EARZ) where there is adequate protective Del Rio Clay. Vulcan's currently proposed site is still in close proximity to the EARZ. To make matters worse, these tanks are now in the flood plain of the Elm Creek, which is known to have periodic violent flooding episodes. MCEAA strongly objects to the reckless disregard of the protection of the Edwards Aquifer and downstream environment shown by Vulcan's fuel storage siting decision. We request that EAA disallow this fuel storage location.
5. The huge water requirements currently proposed by Vulcan's quarry must be ascertained and evaluated. Measures requiring decreased water usage in times of drought must be required to protect wells, artesian

springs and other aquifers associated with or dependent on the Edwards Aquifer. These studies on the effect on water allocations for area residents, other aquifers, artesian springs and agricultural irrigation should be made public now rather than later after it is too late to remedy the adverse impacts on the above. Vulcan Materials should not have the right to take away water resources from existing entities, as this taking will make it impossible for them to survive. The entire population that is dependent on the Edwards aquifer has a right to know this information before the proposed huge quarry begins operation.

The quarry's proposed air permit relies almost exclusively on water spraying to control dust emissions. With a peak production of 8.5 million tons per year, and 200 million tons over 50 years, that's a lot of water.

Vulcan's current Loop 1604 location is permitted to use over 700 gallons of water per ton of aggregate produced. The proposed Medina County quarry would be twice again as large. If the new quarry uses water at the 700 gallon per ton rate, it will use almost 6 billion gallons (18,300 acre-ft) in its peak year, and 140 billion gallons over 50 years (430,000 acre-ft). Six billion gallons can support 140,000 people. Even if Vulcan cuts its water consumption per ton in half, the numbers are still significant. By comparison, the 2005 San Antonio Water System Conservation Ordinance reduces water use by 1.3 billion gallons.

Vulcan presents the issue as a tradeoff between complying with clean air laws or using less water. That is not the case, and is a false choice. The enormous water requirements of this proposed quarrying operation could be greatly reduced if basic enclosure measures were utilized in handling and processing the mined material.

Further, it is obvious what will really happen from how the air permit is set up. The air permit relies on maintaining a set moisture content for the limestone as it is processed, in order to keep emissions volumes (in tons) below levels that will cause ambient standard violations when modeled. In other words, it is an attenuated daisy chain or domino theory of assumptions. However, while TCEQ knows that applicants must maintain this moisture content (1.5%), it has no document that establishes how much water an applicant must use to achieve this value. Further, the permit requires no monitoring or reporting of either the moisture content or ambient concentrations. If TCEQ issues such a permit, it is unsupported by substantial evidence in the record on several grounds, and we look forward to challenging it in the contested case hearing and in court.

Not surprisingly, if the actual volume of water necessary were known up front, other interested parties and water users, including cities, would press for other, more effective controls such as enclosure of aggregate handling areas (TCEQ rates enclosure at a 90% control efficiency, while spraying water is rated at 70%, the minimum acceptable value). Applicants don't want to pay this capital cost up front. However, they also don't want to pay for more water to comply with the air permit as the quarry output increases, and since there is no way to determine how much they actually need, they simply don't purchase as much as time goes on. The threat of enforcement from TCEQ is nonexistent, and nuisance suits, which place the burden on the landowner, are difficult to prevail in. Therefore, the aggregate industry is currently set up to have it both ways: they don't pay the capital cost of more effective controls (enclosures), and they pay for less water than they need to comply.

Even so, we would also make the practical argument that most any water allocated to Vulcan for dust control, when more effective controls such as enclosure are still available, is wasted water. Even if 200, 500, or 700 gallons per ton is less than what is needed to comply with the air permit, it is still significant. On what planet, in this day and age, does an area facing future water shortages give up 6 billion gallons a year when it doesn't have to? Any regulatory agency worthy of its mandate has to be able to use these facts to redefine its jurisdiction and future course. Your agency has to be able to make that argument publicly, to our state and local leaders, to obtain the authority you need. Anything less renders your agency irrelevant, both now and in the tough decisions facing the region in the future. Who gives up 6 billion gallons to control dust when they don't have to? Who?!

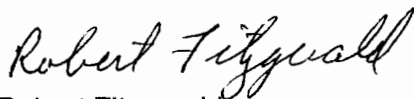
The ratepayers get it: The rest of us pay to conserve while our water is given away to Vulcan.

6. An important additional, but undiscussed point is how Vulcan will manage storm water runoff in the Polecat Creek, Elm Creek, and other unnamed creeks (all arising in the 1760 acre quarry area) to prevent damage to the fuel storage and maintenance area and damage caused by flooding to adjacent and downstream properties. These measures must be included in Vulcan's storm water abatement plan and meet with the agencies approval.

As we discussed with you, there is currently a great need to regulate the aggregate industry in Texas. Unless and until the legislature creates this badly needed legislation, the burden of protecting water quality and allocating water quantity is the responsibility of the EAA and TCEQ. In order to attain these goals, and to assure that these goals are honored by Vulcan, MCEAA respectfully requests that you work with the Surface Transportation Board since the STB has deemed the quarry a cumulative impact in the rail licensing proceeding. The STB has the authority to use EAA and TCEQ requirements as mitigation in issuing a federal permit for the proposed rail line. Mitigation at the federal level is important because the design and operation of both the quarry and the rail line will cause and contribute to storm water runoff and flood impacts. If these requirements are not included in the mitigation of the permitting process for the rail line at the federal level, Vulcan will not be bound by these requirements, to the extent Vulcan can argue that the requirements would affect the operation of the rail line. Where cumulative impacts caused by both the rail line and the quarry exist, Vulcan can be counted on to make this argument to preempt state regulation, no matter how attenuated the impact on the rail line may be.

In closing, MCEAA again wishes to thank you for your consideration and time spent with us. If there is any further information or support we can give, we will be happy to do so. We would like to have a public meeting with TCEQ and EAA if one can be arranged.

Sincerely,



Robert Fitzgerald
President, MCEAA, Inc.

Encl.

cc: John Hoyt, EAA
Rini Ghosh, STB
Henry Bonilla, U.S. Representative
Bobby Caldwell, TCEQ
Tracy King, State Representative
James Barden, Medina County Judge
Chris Mitchell, Medina County Commissioner, Pct. 1
Pat Brawner, Medina County Floodplain Administrator
Annalisa Peace, GEAA

MCEAA, Inc., for your Home, Health, and Heritage



Westward Environmental, Inc.

"RECEIVED TCEQ Box 2205
SAN ANTONIO REGION
BOLO, TEXAS
78006

2005 JUL 14 PM 1:29

July 6, 2005

Texas Commission on Environmental Quality
Air Permits Division, MC-163
P.O. Box 13087
Austin, Texas 78711-3087

Project No.: 10003-43

Attention: Richard A. Hyde, P.E.

Subject: Vulcan Construction Materials, L.P.
CN600355465
Air Quality Permit Application
Medina Rock Crushing Plant
Medina Quarry, Medina County, Texas

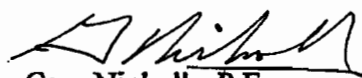
Mr. Hyde,

On behalf of Vulcan Construction Materials, L.P., we are submitting this air quality permit application for the above referenced plant. A Form PI-1, area map, emissions calculations, and supporting documents are attached with this application and are presented in the order and labeled in accordance with the Form PI-1. The subject plant is proposed to be authorized under an Air Quality Permit at a site located in Medina County, Texas. The proposed maximum operating schedule will be 24 hours per day, 7 days per week, and 52 weeks per year, with process limits of 1500 TPH and 8,500,000 TPY.

Please provide Westward Environmental, Inc. a courtesy copy of all correspondence, including but not limited to the public notice package, draft permit, and a copy of the final permit for our files.

If you have any questions regarding this application, please feel free to contact our office.

Respectfully submitted,
WESTWARD ENVIRONMENTAL, INC.


Gary Nicholls, P.E.
Vice President



Distribution:

✓ Addressee
TCEQ Region 13
Medina County Courthouse (Public Notice)
Ms. Aleisha Knochenhauer – Vulcan Construction Materials, L.P. (3 copies)
10003-43 file

Attachments

SAN ANTONIO
EXPRESS-NEWS

MONDAY

JUNE 9, 2003

SECTION B

METRO pute

best things that ever came to the county because of the tax base and the jobs," he said. "I don't think it will hurt anyone."

In 2001, a Vulcan subsidiary called MedTex Lands Inc. bought 255 acres on the path of a rail line planned to link the quarry with Union Pacific tracks at U.S. 90 in Dunlay. But Vulcan's efforts to obtain easements on other land on the seven-mile rail line have been stymied.

That same year, area landowners added restrictive covenants to their property deeds to prohibit

See QUARRY/3B

Proposed quarry spurs disj

Medina County residents upset with it and a new rail line.

BY ZEKE MACCORMACK
EXPRESS-NEWS STAFF WRITER

QUIH — The fight over a proposed limestone quarry north of town is heating up, with Vulcan Materials seeking authority to condemn property to build a rail line leading to its leased dig site. Forecasts of 125 or more new jobs and \$500,000 in tax revenue

annually from the quarry have spurred endorsements by area political and business leaders.

But opponents say the mining operation could damage the Medina Lake dam and contaminate the Edwards Aquifer. They also say the rail line would result in flooding and traffic nightmares. And, said Robert Fitzgerald of the Medina County Environmental Action Association, the quarry actually would result in an economic loss to the area by deterring future residential and recreational development. Those fears are being dismissed as alarmist rhetoric by of

"I think it will be one of the best things that ever came to the county."

CLOVIS BOEHME
a property owner who leased land to Vulcan Materials

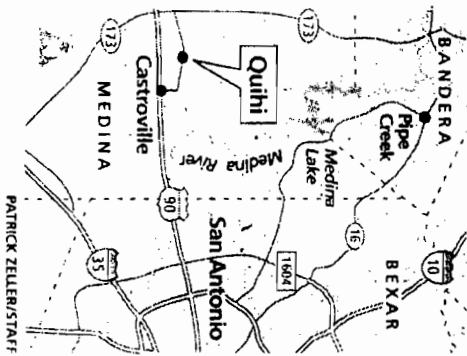
ficials of the Alabama-based mining giant, which has not committed to the project it began studying four years ago.

"We feel those concerns are unwarranted and that, as people un-

derstand the project better they'll come to the same conclusion," said Tom Ransdell, president of Vulcan's Southwest Division, in San Antonio. "Our reputation as a company is for being very environmentally responsible."

Vulcan has held leases since 1999 on 1,800 acres of raw land, from which it wants to mine 5 million tons of limestone aggregate annually for 30 years or more.

Clovis Boehme, one of three property owners who leased land to Vulcan for the quarry, said he has no regrets about it. "I think it will be one of the



PATRICK ZILLER/STAFF

5 Mt @ 50-15
7200 Mt
←

Memo

Project No.: 753-0101

To: Michael Petter, Resource and Land Management

From: Chuck Tracy, P.E.

cc: Agatha Wade, SAWS; Tim Noack, APAI

Date: October 30, 2001, *Revised July 1, 2002*

Re: Review of EAA Permit BE00278

Executive Summary

Vulcan Materials Company L.P. has applied for a permit for its Loop 1604 plant in San Antonio, Texas. The application and supporting documentation was reviewed by the Edwards Aquifer Authority (EAA). The table below reflects the interim decision (November 2000) of the EAA and the position of the applicant with respect to the water utilization amounts (Second Supplemental Evidence Package September 4, 2001).

Applicant's documentation supports its contention for the amounts it considers as a "settlement" amount, as shown in the table. The applicant's "maximum" amount shown as the last line on the table is not supported by adequate rationale.

SOURCE OF VALUES	Gal/Unit			Max Hist Use Acre-ft/yr	Avg Hist Use Acre-ft/yr	PA-1/PA-2
	Rock Gal/ton	PCC Gal/cuyd	Asph Gal/ton			
EAA (Nov 2000)	740	75.29	90	1,523	748	1086/918
VULCAN (Nov 2001) (Settlement proposal)	784	75.29	90	1,814	1131	1293/1093
VULCAN (Nov 2001) (Max. Calculated)	784	75.29	90	1,996	1,237	1423/1202

On February 28, 2002 the EAA advised VULCAN by letter, that the staff was reviewing VULCAN's protest and would complete its review by May 31, 2002. Records available do not reflect whether a decision was made or whether applicant submitted any other supporting documentation after its September 2001 submittal.

Introduction

This review pertains to EAA permit application number BE00278. Vulcan Materials Company L.P. The application is for applicant's Loop 1604 plant in San Antonio Texas where the applicant operates a Portland cement concrete batch plant; quarries and crushes rock for concrete aggregate, road base material and other uses; operates an asphaltic concrete facility-drum plant; and operates an asphaltic concrete facility-batch plant. The applicant operates five of six wells that have been drilled and completed on the property. The applicant uses the water for industrial proposes associated with the site operations

The applicant operates four wells on its property to supply water for production purposes. The applicant provided the following water well data:

WELL NUMBER	YEAR DRILLED	CASING	HP	FLOWRATE (gpm)
VMC # 10	1978	12 in	100	780
VMC # 11	1981	12 in	75	500
VMC # 12	1981	6 in	5	56
VMC # 13	<1977	10 in	100	???

Calculations supporting the letter

$$\begin{array}{c} 700 \\ \frac{\text{gal}}{\text{ton}} \end{array} \times \begin{array}{c} 8,500,000 \\ \frac{\text{tons per}}{\text{yr}} \end{array} = \boxed{5,950,000,000 \frac{\text{gal}}{\text{yr}}} = 18,300 \frac{\text{ac-ft}}{\text{yr}}$$

$1 \text{ ac-ft} = 325,000 \text{ gal}$

$$\begin{array}{c} 700 \\ \frac{\text{gal}}{\text{ton}} \end{array} \times \begin{array}{c} 200,000,000 \text{ tons} \\ [50 \text{ yr}] \end{array} = \begin{array}{c} 140,000,000,000 \text{ gal} \\ 50 \text{ yr} \end{array} = 430,000 \frac{\text{ac-ft}}{50 \text{ yr}}$$

1 ac-ft supports 2 families of four (8 people) for 1 yr

$$18,300 \frac{\text{ac-ft}}{\text{yr}} \times 8 = 140,000 \text{ people}$$



Who We Are Our Water Conservation Service Infrastructure Education Environment Jobs & Training

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HOME: CONSERVATION : 2005 ORDINANCE

IN THIS SECTION:

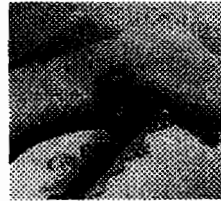
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[Irrigation Check-Up](#)

[Power Washers
Registration](#)



2005 Conservation Ordinance

New Conservation Ordinance Requires Small Changes For Great Results

While San Antonio is already one of the most water conservation-wise cities in the nation, the prospect of higher water costs in the future is making it more important than ever to conserve.

After nine months of drought in 2001, then-mayor Howard Peak asked SAWS to develop a year-round conservation program that would result in a decrease in the frequency and impact of severe drought restrictions.

The results of the four years of work came about when the City ordinance passed in January 2005. The Conservation ordinance detailed provisions that could provide a savings of 1.3 billion gallons of water annually.

After many meetings and open forums with a cross-section of our stakeholders, over 4,000 completed surveys, valuable input was gathered from industries and groups, including:

- Realtors and developers
- Home Builders
- Community Conservation Committee
- Landscape and irrigation firms
- Restaurant owners
- Grass producers
- Manufacturers
- Building owners and managers
- Neighborhood association presidents
- Car wash owners

"The provisions we've outlined in this ordinance should save us about 1.3 billion gallons per year," says Calvin Finch, director of Conservation. "That equates to about three gallons per person, per day. Which is a huge step in reducing the need for additional, more expensive, water resources."

2005 Conservation Ordinance Details

Learn more about specific provisions of the new ordinance:

- [Rain Sensors for Residential and Commercial Sprinkler Systems](#)
- [Charity Car Washes](#)
- [Irrigation Check-Up](#)
- [Power Washers Register](#)
- [Complete Text of 2005 Conservation Ordinance](#) (Adobe PDF - 143KB)

2000 Conservation Ordinance

Important Note: The 2005 ordinance is an amendment to this original 2000 ordinance. Therefore, all provisions of the 2000 ordinance not explicitly revoked by the 2005 ordinance remain in effect.

- [Complete Text of 2000 Conservation Ordinance](#) (Adobe PDF - 1.3 MB)

For more information on the 2005 conservation ordinance, please call SAWS at (210) 704-5400.



Give your thirsty lawn a Sip

Note: Do Not Use a Wet Material or Water Control Factor If the Emission Factor Selected from Table 6 Is a Controlled Factor.

Table 7 - Controls²

	Control Efficiency	Control Factor (1 - Control Eff.)
No controls	0%	1.0
Wet Material	50%	0.50
✓ Water	70%	0.30
Chemical Foam	80%	0.20
Partial Enclosure (screen or crusher)	85%	0.15
✓ Full Enclosure	90%	0.10
Enclosed by building	90%	0.10
Building under negative pressure	100%	0.00

***Note:** A 99% control efficiency may be allowed when a facility (emission point) operates under saturated conditions with no visible emissions. Specific operating conditions will become part of the permit's special conditions.

APPLICATION. Vulcan Construction Materials, L.P., P.O. 791550, San Antonio, Texas 78729-1550, has applied to the Texas Commission on Environmental Quality (TCEQ) for an issuance of Air Quality Permit 76337, which would authorize construction of a Rock Crushing Plant. The applicant has provided the following directions to the site: west on U.S. 90 from San Antonio, turn north on FM 471, then west on Farm Road 2676, then north on CR 265, then west on CR 354, then north on CR 353, then west on CR 353 to site entrance, Rio Medina, Medina County, Texas. The facility will emit the following air contaminants: organic compounds and particulate matter including particulate matter less than 10 microns in diameter.

The TCEQ Executive Director has determined the application is administratively complete and is conducting a technical review of the application.

PUBLIC MEETING/PUBLIC COMMENT. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but these informal comments made during the informal period will not be considered by the Commissioners before reaching a decision on the permit and no formal response will be made. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the Executive Director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and provides a

http://www.tceq.state.tx.us/comm_exec/opa/calendar.html

3/14/2006

mailing address.

**The Public Meeting is to be held:
Thursday, April 6, 2006 at 7:00 p.m.
Medina County Fair Hall
733 FM 462 North
Hondo, Texas 78861**

INFORMATION. Citizens are encouraged to submit written comments by mail before the meeting to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or at anytime during the meeting. If you need more information, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

The permit application is available for viewing and copying at the TCEQ central office located at 12100 Park 35 Circle, Building E, Room 103, Austin, Texas 78753; the TCEQ San Antonio regional office located at 14250 Judson Road, San Antonio, Texas 78233-4480; and the Medina County Courthouse, County Clerk's Office, 1100 16th Street, Room 109, Hondo, Texas. The facility's compliance file, if any exists, is available for public review in the San Antonio regional office at the address listed above. Further information may also be obtained from Vulcan Construction Materials, L.P., P.O. Box 791550, San Antonio 78279-1550 or by calling Ms. Aleisha Knochenhauer, Environmental Services Manager Southwest Division at (210) 524-3500.

Issued: March 14, 2006

DATE and TIME	TCEQ REGION	DESCRIPTION
April 12, 2006 10:00 a.m.	11	Contested Case Hearing